Hepting et al v. AT&T Corp. et al Doc. 28

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN, on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs. AT&T CORP., et al. Defendants.	No. C-06-00672-VRW CLASS ACTION PLAINTIFFS' NOTICE OF MOTION AND MOTION TO EXTEND PAGE LIMIT FOR THE MOTION FOR PRELIMINARY INJUNCTION

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PLEASE TAKE NOTICE that plaintiffs Tash Hepting, Gregory Hicks, Carolyn Jewel and Erik Knutzen will and hereby move the Court for an order allowing plaintiffs to exceed the page limit set forth in Civil Local Rule 7-4 in Plaintiffs' Amended Notice of Motion and Motion for Preliminary Injunction; Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction.

This motion is based on this notice of motion and motion, memorandum of points and authorities, the Declaration of Lee Tien filed herewith, and plaintiffs' amended motion for preliminary injunction and all associated papers.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs seek leave of the Court for a waiver of the page limitations set forth in Civil Local Rule 7-4 on plaintiff's amended motion for preliminary injunction. This request is made for the following reasons: (1) the factual basis for the motion is complicated and requires detailed explanation; and (2) the constitutional and statutory framework is complex. Plaintiffs request that the Civil Local Rule 7-4 limit of 25 pages be waived and that plaintiffs be permitted to file a brief of 35 pages.

I. ARGUMENT

A. The Factual Issues in This Case Are Complicated and Technical.

While the basics of this case are straightforward – AT&T Corp. ("AT&T") is enabling the National Security Agency ("NSA") to illegally and unconstitutionally eavesdrop on the public at large – the mechanism by which defendants are doing this is complicated and requires a detailed factual and technological explanation. Understanding how the NSA's electronic eavesdropping is facilitated by AT&T requires an explanation of Internet traffic, fiber optics, and certain equipment used by telecommunications companies.

Additionally, there is a great deal of public information relating to NSA wiretapping that, in this instance, may confuse rather than clarify the situation. The government has admitted that the NSA is engaged in warrantless wiretapping. However, the government has refused to admit that the NSA is wiretapping purely domestic Internet traffic or Internet traffic that does not involve at least one person who is a member or agent of Al Qaeda or an affiliated terrorist organization. To show the factual basis for preliminary injunction, plaintiffs must describe both what the government has admitted and the information plaintiffs have regarding a wiretapping program much broader than what has been recognized by the government.

B. The Statutory and Constitutional Issues Are Complex.

The warrantless wiretapping implicates Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and the Foreign Intelligence Surveillance Act of 1978, laws enacted in direct response to illegal warrantless wiretapping of persons in the United States by police and the Executive Branch. The warrantless wiretapping also implicates the Fourth Amendment right to be free from unreasonable searches and seizures. U.S. Const. amend. IV. Understanding the blatant disregard shown by AT&T and the NSA for the legal and constitutional rights of the public requires discussion both of the laws and of the abuses that led to them.

II. CONCLUSION

For the above reasons, plaintiffs request that this Court permit plaintiffs to file a brief totaling 35 pages.

DATED: April 5, 2006

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I, Reed R. Kathrein, am the ECF User whose ID and password are being used to file this PLAINTIFFS' NOTICE OF MOTION AND MOTION TO EXTEND PAGE LIMIT FOR THE MOTION FOR PRELIMINARY INJUNCTION. In compliance with General Order 45, X.B., I hereby attest that Cindy Cohn has concurred in this filing.

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